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Governor won't call special session to address CYFD issues

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1 of 2



Gov. Michelle Lujan Grisham, left, speaks at a news conference during the legislative session in February on improving the Children, Youth and Families Department next to CYFD Secretary Barbara Vigil. Several lawmakers from both parties have proposed a special legislative session to address concerns about the embattled agency, with Vigil leaving her position at the end of this month.

Luis Sánchez Saturno/New Mexican file photo

Gov. Michelle Lujan Grisham says she will not call a special session to address concerns about the state's chronically troubled Children, Youth and Families Department as some lawmakers from both major parties have proposed.

A spokeswoman said Monday the governor didn't plan to call the Legislature back into session for any reason.

In an email, spokeswoman Maddy Hayden wrote that while the governor “has not heard directly from legislators on a special session around CYFD, she wholeheartedly welcomes their suggestions for meaningful policies that will move the needle on child welfare in our state, many of which don’t require legislation to implement.”

The regular 60-day session concluded a month ago. Discussion of a special session reflects some lawmakers’ frustration with a lack of progress on the part of state leaders to improve CYFD in the wake of continual high-profile lawsuits and media stories on child neglect, abuse and deaths on the agency’s watch.

Rep. Stefani Lord expressed that frustration in a tweet asking the governor to “do the right thing and call for a special session to address the CYFD mess. You called a [special session] over marijuana; why are dead babies not a priority?”

In a phone interview Monday, Lord, R-Sandia Park, said she’d like to see lawmakers revisit some bills designed to improve CYFD oversight and programs in a special session.

“Let’s reintroduce a lot of the good bills on both sides — Republican and Democrat, bipartisan — and bring them forward for real discussion,” Lord said. “A lot of them had great solutions.”

She cited a bill she supported to allocate \$20 million to CYFD to fund child abuse and neglect prevention and support services. The bill stalled in the House Appropriations and Finance Committee.

Rep. Marian Matthews, D-Albuquerque, said Monday she agrees with Lord about the need for more legislative action. Matthews said she thinks the governor should call a special session “even before she picks the next cabinet secretary.”

CYFD Secretary Barbara Vigil has announced she will leave the agency at the end of the month.

Like Lord, Matthews cited several bills she co-sponsored to try to help the agency, which critics say has been failing to protect the children in its charge for years. She said one piece of legislation, which would have created the Office of Child Advocate in the Attorney General’s Office, should be heard again. The bill stalled awaiting a hearing on the Senate floor before the session ended in mid-March.

“There were a number of bills involving CYFD in the session,” Matthews said. “It could be there are one or two in there that could be helpful to a new secretary.”

Sen. Crystal Diamond, R-Elephant Butte, said while she would support a special session to deal with CYFD, she believes it's "unlikely" Lujan Grisham would call one. If the governor had wanted any of those bills to succeed and get to her desk, Diamond said, they would have moved forward.

The Governor's Office wants to continue discussions about how best to improve CYFD ahead of the next session, Hayden wrote.

"It's critical that any legislation put forward is thoroughly vetted and discussed to ensure it will be effective in improving the system," she wrote.

Others question whether lawmakers are the ones to fix what's wrong with CYFD.

"Whatever CYFD's problems are, legislation is not going to change them," said Sen. Jerry Ortiz y Piño, D-Albuquerque. "The issues there are managerial issues, executive branch issues — how they are handling personnel issues, how are they handling confidentiality issues. I really do think [CYFD] has a lot of trouble, but I don't think legislation will solve it."

Instead, Ortiz y Piño said lawmakers should begin working with the Governor's Office to see what legislation might help the challenged agency in advance of next year's 30-day legislative session, which is scheduled to begin in mid-January.

Earlier this month, a court-appointed guardian sued the agency on behalf of two girls who ingested methamphetamines and witnessed domestic violence involving a gun after being returned to their drug-addicted and abusive parents.

During the recent session, Lujan Grisham held a news conference in which she called CYFD "dysfunctional" and said her office was calling for annual independent audits of the child welfare agency, the hiring of four new department leaders and the recruitment of retired social workers to ease caseloads for existing employees in the agency.

CYFD has about 2,000 positions with about 500 of them vacant.

Last autumn, a Legislative Finance Committee report said the department was in "workforce crisis" because of the staffing shortages. At that time, Vigil said the high turnover rate and case overloads for front-line workers have contributed to one of the nation's highest rates of what's known as "repeat child maltreatment" — or recurring instances of child abuse and neglect.

Diamond expressed frustration Monday with the lack of progress in efforts to reform CYFD.

“Something has to be done, but we’ve been saying that for a long time,” she said. “And nothing has been done.”

CYFD has faced challenges and been under fire for years. Vigil’s predecessor, Brian Blalock, left after 18 months amid questioning of his handling of the agency, including the purchase of a computer system via a no-bid contract and the department’s use of a controversial messaging app called Signal, which critics said violated open-government laws.

The department also has had to contend with whistleblower lawsuits from employees who said they were retaliated against after voicing their concerns.

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Robert Nott has covered education and youth issues for the Santa Fe New Mexican. He is assigned to The New Mexican's city desk where he covers a general assignment beat.